

HOUSE BILL 2327

By Crawford

AN ACT to amend Tennessee Code Annotated, Title 71,  
Chapter 3, Part 5, relative to background checks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-3-507, is amended by adding the following new subsection:

(1) If a person supplies a verifiable fingerprint sample on authorized fingerprint cards or by electronic, machine-readable data, or other means approved by the Tennessee bureau of investigation, as part of a fingerprint-based background check required by this section, then the department shall not require that the person submit another fingerprint sample for any subsequent fingerprint-based background check performed under this section. For purposes of this section, a fingerprint sample is verifiable if it is of sufficient quality that it can be used by the Tennessee bureau of investigation to conduct a successful fingerprint-based background review of criminal records, juvenile records, and registry information available to the bureau.

(2) The department shall retain the verifiable fingerprint sample of any person who submits a verifiable fingerprint sample as part of a fingerprint-based background check under this section and shall supply the sample at no cost for any subsequent fingerprint-based background check of the person under this section.

(3) The department shall require that any contractor or agent of the department that collects fingerprint samples used for fingerprint-based background checks conducted pursuant to this section retain the verifiable fingerprint sample of any person who submits a verifiable fingerprint sample as part of a fingerprint-based background

check under this section and supply the sample at no cost for any subsequent fingerprint-based background check of the person under this section.

SECTION 2. Tennessee Code Annotated, Section 71-3-507(a)(2)(A), is amended by deleting the language "Persons subject to the requirements of subdivision (a)(1) shall" and substituting instead the language "Except as provided in SECTION 1, persons subject to the requirements of subdivision (a)(1) shall".

SECTION 3. Tennessee Code Annotated, Section 71-3-507(a)(2)(C), is amended by deleting the subdivision and substituting instead the following:

(C) Except as provided in SECTION 1, the person or entity with which a person subject to subdivision (a)(1) will be or is associated is responsible for obtaining and submitting the fingerprint sample, as directed by the department, and any information necessary to process the fingerprint-based background reviews and reviews required by this section prior to the person's assumption of any role described in subdivision (a)(1). If the person is not employed directly by a licensed child care agency but is employed by a substitute pool or staffing agency and assigned to work as a substitute employee at a licensed child care agency, then, except as provided in SECTION 1, the substitute pool or staffing agency is responsible for obtaining and submitting the fingerprint sample, as directed by the department, and any information necessary to process the fingerprint-based background reviews and reviews required by this section prior to the person's assumption of any role described in subdivision (a)(1) at a licensed child care agency.

SECTION 4. Tennessee Code Annotated, Section 71-3-507(b)(1), is amended by deleting the language "The disclosure form and information contained on the form" and substituting instead the language "Except as provided in SECTION 1, the disclosure form and information contained on the form".

SECTION 5. Tennessee Code Annotated, Section 71-3-507(b)(5)(B), is amended by deleting the language "if it submits a person's discussion form" and substituting instead the language "if it submits a person's disclosure form".

SECTION 6. Tennessee Code Annotated, Section 71-3-507(g)(4)(A), is amended by deleting the subdivision and substituting instead the following:

(A) Except as provided in SECTION 1, the entity authorized to submit the person's fingerprints by this subsection (g) shall submit the fingerprints to the TBI in the format required by the bureau.

SECTION 7. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it, and applies to background checks performed on or after that date.